

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.2249 OF 2006

Mohd,. Javed Alam bdul Aziz. ...Appliczant.

Vs.

The State of Maharashtra. ...Respondent.

Adv. Smt. Y.D. Ghawale for the Applicant.
Mr. Rajesh More, APP. for the State.

**CORAM : R.S. MOHITE, J.
DATED : 23.6.2006.**

P.C.

1. This application impugns an order of the lower court cancelling the bail granted to the present applicant. It appears that the present applicant is shown as an accused in C.R.No.143/2004 registered by Cuffe Parade Police Station for offence under Section 379 read with 34 of the I.P.C. and U/s. 39 of the Indian Electricity Act,1910. It appears that the bail was granted in this case on 1.9.2005. After the bail was granted, another C.R.No.218/2005 was registered when he was in custody on 23.8.2005. However, in the case filed in pursuance of C.R.No.143/2004 the applicant did not remain present in the court and therefore, non bailable warrant came to be issued and he was arrested on 20.2.2006. He applied for bail but the Magistrate passed an order directing to

approach the Sessions Court as the offence under Indian Electricity Act is exclusively triable by the Court of Sessions. But the Sessions Court rejected the bail. Taking an over all view of the matter and the fact that the offence is under Section 379 read with 34 of the I.P.C. bail can be granted to the applicant subject to stringent conditions. It is therefore, directed that pending his trial in pursuance of C.R.No.143/2004 registered by Cuffe Parade Police Station, the applicant may be released on bail in the sum of Rs.25,000/- with one surety in the like amount subject to further condition that he should report to the concerned police station once in a fort night on every first and third Mondays till the conclusion of the trial.

(R. S. MOHITE, J.)